

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Elayne Pierson,

Plaintiff

v.

Civil Action No.

Town of Weare

Defendant

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant TOWN OF WEARE, by and through its attorneys, DEVINE, MILLIMET & BRANCH, P.A., hereby removes this action from the Superior Court of the State of New Hampshire, Hillsborough County, Northern District, to the United States District Court for the District of New Hampshire. In support of this Notice of Removal, Defendant states as follows:

1. By Writ of Summons dated February 27, 2006 and returnable the first Tuesday of May 2006, in Hillsborough County Superior Court, Northern District, Elayne Pierson instituted suit against Town of Weare. A copy of Plaintiff's Writ of Summons is attached (certified originals to be forwarded upon receipt of same from Hillsborough County Superior Court).
2. Service of process was made on Defendant's representative on March 10, 2006.
3. Plaintiff is now, and was when this action was commenced, a resident of the State of New Hampshire.
4. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. § 1331. Specifically, the Plaintiff alleges failure to pay wages

in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 and NH RSA 275. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a).

5. The requirements of the removal statute having been met, Defendant's right to remove is absolute. 1A *Moore's Federal Practice* 0.157 [1-3] p. 44.

Respectfully Submitted,  
TOWN OF WEARE,  
By its attorneys,  
DEVINE, MILLIMET & BRANCH, P.A.,

Date: April 7, 2006

By: /s/Debra Weiss Ford  
Debra Weiss Ford  
NH Bar No. 2687  
216 Lafayette Road, Suite 103  
North Hampton, NH 03862  
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Certificate of Service

I hereby certify that the foregoing was served by Conventional Filing on: Andru Volinsky, Esq., Bernstein, Shur, Sawyer & Nelson, 670 North Commercial Street, Suite 108, P.O. Box 1120, Manchester, NH 03105-1120, counsel for Plaintiff, and John M. Safford, Clerk, Hillsborough County Superior Court, Northern District, 300 Chestnut Street, Manchester, NH 03101.

Date: April 7, 2006

/s/Debra Weiss Ford  
Debra Weiss Ford